

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CR06-377-JCC
	)	
v.	)	<b>PROPOSED FINDINGS OF FACT</b>
	)	<b>AND DETERMINATION AS TO</b>
HUBERT THEODORE ISABEL,	)	<b>ALLEGED VIOLATIONS OF</b>
	)	<b>SUPERVISED RELEASE</b>
Defendant.	)	

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INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on January 26, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Jeff Backhus, and defendant was represented by Walter Palmer. Also present was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on May 2, 2008 by the Honorable John C. Coughenour for Felon in Possession of a Firearm. He received 46 months of detention and 3 years of supervised release.

On May 7, 2010, a arrant was issued after Mr. Isabel tested positive for marijuana and cocaine and failed to document lawful employment. The Court revoked Mr. Isabel's term of

1 supervised release on June 2, 2010, and sentenced Mr. Isabel to time served to be followed by a  
2 30 month term of supervised release. All previously imposed conditions were reimposed in  
3 addition to 120 days at the Residential Reentry Center (RRC).

4 Mr. Isabel completed his current term of custody on June 2, 2010, and his period of  
5 supervised release commenced. Mr. Isabel's term of supervised release is scheduled to expire on  
6 November 6, 2012.

7 On November 15, 2010, a report was submitted to the Court advising that Mr. Isabel had  
8 used MDMA. He was issued a verbal reprimand and referred to substance abuse treatment. No  
9 action was recommended and approved on November 18, 2010.

10 On November 16, 2010, a report was submitted to the Court advising that Mr. Isabel had  
11 used MDMA. He was verbally reprimanded and directed to continue with the previously  
12 recommended substance abuse evaluation. No action was recommended and approved on June  
13 23, 2010.

#### 14 PRESENTLY ALLEGED VIOLATIONS

15 In a petition dated January 25, 2011, U.S. Probation Officer Jennifer Van Flandern alleged  
16 that defendant violated the following conditions of supervised release:

- 17 1. Using MDMA on or before October 30, 2010, in violation of standard condition 7.
- 18 2. Using MDMA, alcohol, and marijuana on or before November 16, 2010, in violation  
19 of standard condition 7.
- 20 3. Using MDMA on or before November 30, 2010, in violation of standard condition 7.
- 21 4. Using MDMA on or before December 20, 2010, in violation of standard condition 7
- 22 5. Using MDMA on or before December 22, 2010, in violation of standard condition 7.
- 23 6. Using marijuana on or before January 4, 2011, in violation of standard condition 7.

Defendant admitted violations one through five, and waived any hearing as to whether they occurred, and was informed the matter would be set for a disposition hearing on February 4, 2011 at 9:00 a.m. before District Judge John C. Coughenour. The government withdrew violations six and seven.

Based upon the foregoing, I recommend the court find that defendant has violated the conditions of his supervised release as alleged above, and conduct a disposition hearing.

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TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE - 3